

ORIGINAL

3/14/01
JL

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL RUSSELL,

Petitioner

V.

MARTIN HORN, et al.,

Respondents

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Civil No. 1:CV-00-2182

(Judge Caldwell)

**FILED
HARRISBURG**

MAR 16 2001

MARY E. D'ANDREA, CL

Per *[Signature]*
DEPUTY CLERK

DEFENDANTS' MOTION FOR LEAVE TO FILE ANSWER TO
PETITION FOR WRIT OF HABEAS CORPUS AND
SUPPORTING MEMORANDUM ONE DAY OUT OF TIME

Respondents hereby move this Court for leave to file their answer to the petition for writ of habeas corpus and supporting memorandum one day out of time. In support of this motion, respondents assert the following:

1. This action is brought by a prisoner of a state correctional institution seeking habeas corpus relief.
2. On February 15, 2001, this Court directed that respondents submit an answer and memorandum of law in response to the petition within 20 days, or by March 7, 2001.
3. Upon the request of respondents, on March 13, 2001, this Court extended the time for responding to the petition for habeas corpus to March 15, 2001.
4. Counsel had substantially completed both the answer and memorandum of law but was unable to complete them in time for filing on March 15, 2001. Accordingly, respondents seek leave to file their answer and memorandum one day out of time.
5. Counsel did not seek an additional enlargement of time because he believed up until the close of the work day that the response would be filed that day.


6. Allowing respondents to file their answer and supporting memorandum of law one day out of time will not unduly delay this matter nor will it prejudice the petitioner.

WHEREFORE, respondents respectfully request leave to file their answer to the petition for writ of habeas corpus and supporting memorandum of law one day out of time.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:


MICHAEL L. HARVEY
Senior Deputy Attorney General

SUSAN J. FORNEY
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DATE: March 16, 2001

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL RUSSELL,

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v.

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(Judge Caldwell)

CERTIFICATE OF SERVICE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing document, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA, addressed to the following:

Michael Russell, CM-0064
SCI-Waymart
P.O. Box 256 Route 6
Waymart, PA 18472-0256



MICHAEL L. HARVEY
SENIOR DEPUTY ATTORNEY GENERAL

DATE: March 16, 2001